* DEPUTY ZONING COMMISSIONER

John Dietsch * Case No. 93-67-A Petitioner

* . * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, John Dietsch. The Petitioner requests relief from Section 1802.3.C of the Baltiore County Zoning Regulations (B.C.Z.R.) to permit a front average setback of 15 feet in lieu of the minimum required 25 feet. a side yard setback of 3 feet in lieu of the minimum required 10 feet, and a rear yard setback of 6 feet in lieu of the minimum required 30 feet for a proposed two-story addition in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Boning Commissioner, the information, pictures, and affidawits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property is located within the Chesapeake Bay Critical Areas near Bullneck Creek and as such, is subject to any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) upon completion of their review of this proposal. The Petitioner shall obtain an approved findings plan from DEPRM prior to the issuance of any permits.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 67 day of October, 1992 that the Petition for Administrative Variance relief from Section 1B02.3.C of the Baltiore County Zoning Regulations (B.C.Z.R.) to permit a front average setback of 15 feet in lieu of the minimum required 25 feet, a side yard setback of 3 feet in lieu of the minimum required 10 feet, and a rear yard setback of 6 feet in lieu of the minimum required 30 feet for a proposed two-story addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioner shall not allow or cause the proposed addition to be converted to a second dwelling unit

- 2-

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3) Compliance with any recommendations made by DEPRM upon completion of their review of this proposal. Petitioner shall submit a findings plan for review and

4) When applying for a building permit, the site plan filed must reference this case and set forth and

Deputy Zoning Commissioner

TMK:bjs

and/or apartments. There shall be no kitchen facilities in the proposed addition.

approval by DEPRM prior to the issuance of any permits.

address the restrictions of this Order.

for Baltimore County

Dear Mr. Dietsch:

Very truly yours, Teriother M. Kotroco

Enclosed please find a copy of the decision rendered in the

In the event any party finds the decision rendered is unfavor-

above-captioned matter. The Petition for Administrative Variance has been

able, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on

filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Baltimore County Government

Zoning Commissioner

Office of Planning and Zoning

October 6, 1992

TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

(410) 887-4386

cc: Chesapeake Bay Critical Areas Commission 45 Calvert Street, 2nd Floor, Annapolis, Md. 21401 DEPRM

People's Counsel

TMK:bjs

Suite 113 Courthouse

Towson, MD 21204

400 Washington Avenue

Mr. John Dietsch 3504 Louth Road

Baltimore, Maryland 21222

(7504 Louth Road)

Case No. 93-67-A

RE: PETITION FOR ADMINISTRATIVE VARIANCE

granted in accordance with the attached Order.

15th Election District - 7th Councilmanic District

NE/S Louth Road at Meath Road

John Dietsch - Petitioner

Petition for Administrative Variance recucion for Administrative Variance 93-47-A to the Zoning Commissioner of Baltimore County

for the property located at 3504 Louth Rd

which is presently zoned DR-5.5 This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 180.2.3.C To allow a front average of 15 ft in lieu of 25 ft, site setbacks of 3 ft in lieu of 10 ft. and rear setback of 6 ft in lieu of 30 ft for a proposed two story addition.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or 1. House too Small

2. Needs To enlarge current Family Home 3. Proposed addition Exceeds Set Backs

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

City	State	Zipc	- 45
Address	Phone No.		•
Signature			
(Type or Print Name)		<u> </u>	
Attorney for Petitioner.			
City	State	Zipcode	
Address			
Signature			
(Type or Print Name)			
Contract Purchaser/Lessee			

circulation, throughout Baltimore County, and that the property be reposted

ITEM #: _____ 6 /

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent t testify thereto in the event that a public hearing is scheduled in the future with regard thereto

That based upon personal knowledge, the following are the facts upon which I/we base the request for an

Variance at the above address: (indicate hardehip or practical difficulty) 1. Present home is one bedroom / bath family is husband wife with 2 children (Imale & I female) three bedrooms are required & 2 baths. 2. Can't afford New Property need to inlarge Present home. Partial 1. Size of addition desired Exceeds Current

> That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee ar I HEREBY CERTIFY, this 300 day of Muguet

John Dietsch the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief. 30 August, 1992

My Commission Expires 5/1/94

THE DESCRIPTION -3 copies required

description must be in the following form:

copies of the zoning description of your property are required. Type or print description, standard 8-1/2" x 11" sheets are acceptable. Nost property descriptions, as stated on a deed, do not have adequate information. The zoning

(north, south, east or west) #(3), Block (7), Section #() in the subdivision of Oundalk

as recorded in Baltimore County Plat Book #[7], Polio #[22], containing 5000 SO, FT. Al

3504 Louth RI) and located in the (15) Election District.

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber (___), Folio (___)" and include the measurements and directions (metes and bounds only) here and on the plat in the correct

Typical metes and bounds: N.87° 12' 13" E. 321.1 ft.. 8.18. 27' 03" E. 87.2 ft., 8.62° 19' 00" W. 318 ft., and N.08° 15' 22" W.80 ft. to the place of beginning

CERTIFICATE OF POSTING CONTING DEPARTMENT OF BALTIMORE COUNTY 97-67-4

Maryland
Date of Posting 24/42
(504) of Month Rd

Location of Signe Foring you dway on proporty of Petilioner

to the set of the set

3-5-300064 8/28/12 PUBLIC Heads to CHE

OLO - ZONINO MARIANCE (186.) OBO POSTING SIGNS / ACPENTISHIG L

10TAL: \$85 00 LAST NAME OF OWNER: DIETSCH

04AO+#0067MICHRC BA CO09:45AM08-31-92 Please Make Checks Payable To: Baltimore County

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

September 21, 1992

(410) 887-3353

3504 Louth Road Baltimore, MD 21222 RE: Item No. 61, Case No. 93-67-A

Petitioner: John Dietsch, et ux Petition for Administrative Variance

Dear Mr. Dietsch:

Mr. John Dietsch

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: September 10, 1992

FROM: Ervin Mc Daniel, Chief Office of Planning and Soning Development Review Section

Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petitions:

Terry and Joan Greenwood, Item No. 58 John Dietsch, Atem No: 61-Stephen and Diane Dansicher, Item No. 76 Edward and Francine Wickman, Item No. 77 Charles Berg and Willie Graves, Item No. 78 Edward and Ceola Wright, Item No. 81

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Division Chief:

ITEM58+/ZAC1

EMcD/FM: rdn

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this

31st day of August, 1992

Received By:

Petitioner: John Dietsch Petitioner's Attorney:

DPW/Traffic Engineering 09/14/92 Development Review Committee Response Form Authorized signature _____ Date _____ Date ____ Waiver Number Zoning Issue Meeting Date Stonegate at Patapsco (Azreal Property) .ZON DED TE (Waiting for developer to submit plans first) Golden Ring Mall Company Limited Partnership 9/8/92 John Dietsch DED DEPRM RP STP TE Happy Hollow Associates ED DEPRM STP RP TE DED DEPRM STP RP TE Stephen M. and Diane A. Dansicker Edward L. and Francine M. Wickman Charles W. Berg And Willie D. Graves DED DEPRM RP STP TE ED DEPRM RP STP TE Daniel W. and Evelyn J. Eckert DED DEPRM RP STP TE Leonard Stoler Edward and Ceola Wright DED DEPRM RP STP TE Edward K. and Diana J. Hensler DED DEPRM RP STP TE , , Marvin and Hild Zentner and Amir Aviram W/C

Baltimore County Government 9/10/42 Fire Department SEPTEMBER 9, 1992 (410) 887-4500

700 East Joppa Road Suite 901 Towson, MD 21204-5500

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

FROM Robert W. Bowling, P.E., Chief Developers Engineering Division

Item No. 61

attached openification.

RE: Zoning Advisory Committee Meeting for September 14, 1992

TO: Arnold Jablon, Director DATE: September 11, 1992 Zoning Administration and Development Management

The Developers Engineering Division has reviewed

the subject coming item. If the variance is granted, we

recommend providing a fence on three sides. See the

Arnold Jablon Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

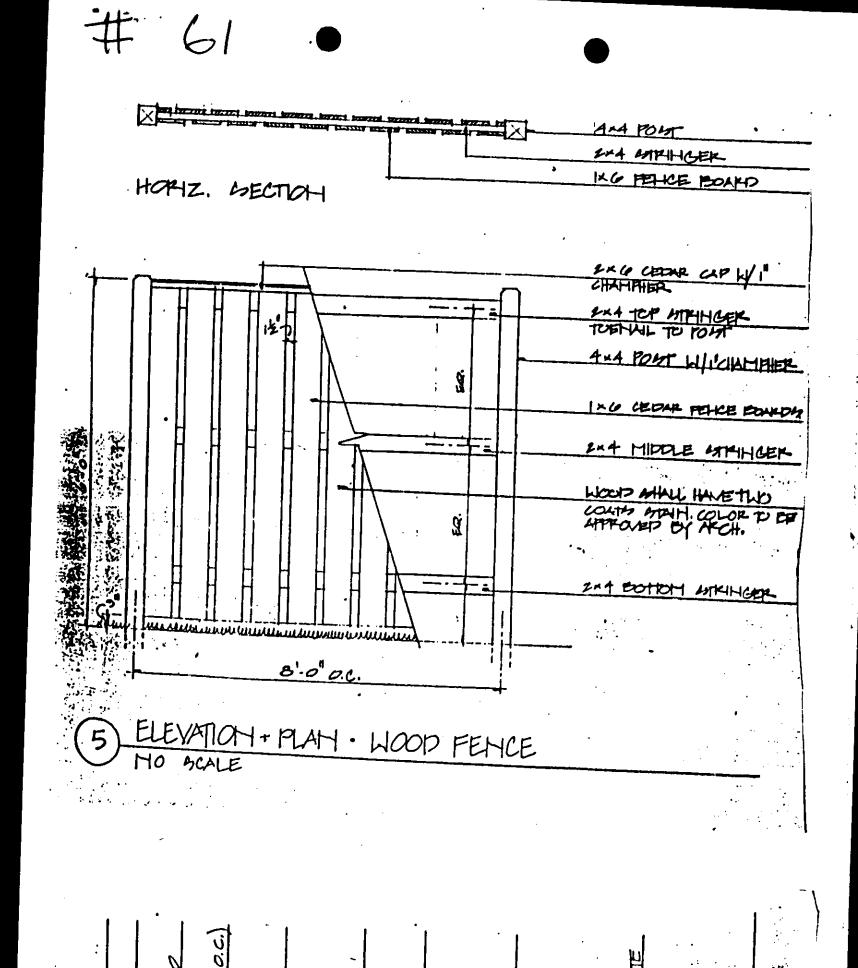
RE: Property Owner: JOHN DIETSCH #3504 LOUTH ROAD

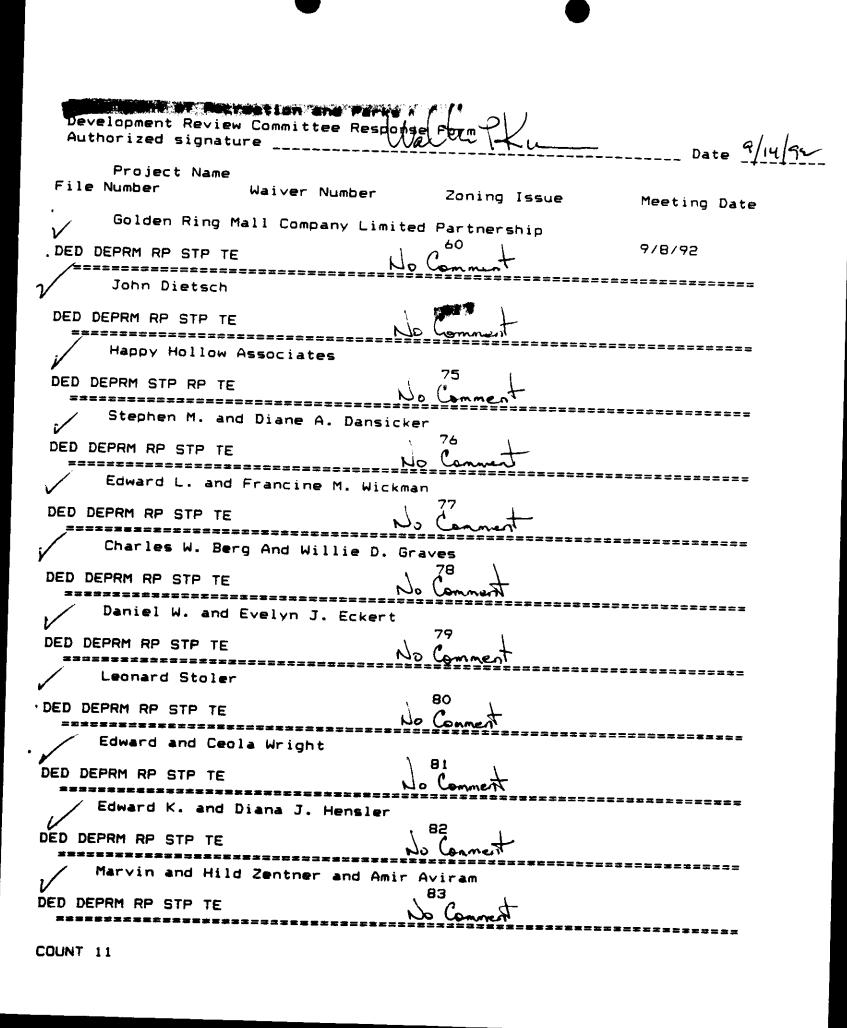
Item No.: * 61 (LJG) Zoning Agenda: SEPTEMBER 8, 1992 Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property. 7. The Fire Prevention Bureau has no comments at this time.

Special Inspection Division

JP/KEK





BALT ON ORE COUNTY, MAR OAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

Mr. Arnold Jablon, Director Zoning Administration and Development Management

DATE: September 22, 1992

FROM: J. Lawrence Pilson Development Coordinator, DEPRM

Zoning Item #61 gra 3504 Louth Road Zoning Advisory Committee Meeting of September 8, 1992

The Department of Environmental Protection and Resource Management requests an extension for the review of the above referenced zoning item to complete review of the proposed development with respect to the Chesapeake Bay Critical Area Regulations. The applicant must submit a Critical Area Findings Plan for review and approval by this Department prior to preparation of a Critical Area Findings for the development. The applicant may contact the Environmental Impact Review Division of the Department at 887-2904 for details.

It is requested that the Zoning Commissioner withhold a decision on this petition pending Chesapeake Bay Critical Area review. The site plan attached to the Zoning Petition shows a development proposal which is not currently in compliance with Critical Area regulations.

LP:sp

LOUTH/TXTSBP

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

> TO: Mr. Arnold E. Jablon, Director Office of Zoning Administration

and Development Management

Chesapeake Bay Critical Area Findings

John Dietsch Property

SUBJECT: Petition for Zoning Variance - Item 61

ZONING OFFICE

DATE: November 10, 1992

890/7

SITE LOCATION

FROM: J. James Dieter

The subject property is located at 3504 Louth Road. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

BALTIMORE COUNTY, MARYLAND

APPLICANT'S NAME John Dietsch

APPLICANT PROPOSAL

The applicant has requested a variance from section 180.2.3.C of the Baltimore County Zoning Regulations to permit a front average of 15 feet in lieu of 25 feet, site setbacks of 3 feet in lieu of 10 feet and a rear setback of 6 feet in lieu of 30 feet for a proposed two story addition.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands:

2. Conserve fish, wildlife and plant habitat; and

3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

Mr. Arnold E. Jablon November 10, 1992 Page 2

REGULATIONS AND FINDINGS

1. Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment" <Baltimore County Code Section 26-452(a)>.

Policy: All development must attempt to comply with the IDA requirements.

A. For residential development through building permits, minor subdivisions and zoning variance findings, compliance will be through:

1. installation of modified infiltration devices to treat rooftop runoff, with overflow directed across vegetated areas; and

2. the planting of woody vegetation selected from the appropriate plant association list of the forest Establishment Manual in accordance with the Forest Cover Formula as given in the Forest Protection Policies, with a minimum area equal to at least 15% of the lot or a maximum area equal to the proposed impervious surface coverage. <Baltimore County Department of Environmental Protection and Resource Management Policy Manual>

Finding: The applicant shall construct a driveway of waffle block or of 8 inches of clean washed no.2 stone on filter fabric with 3 inches of small stone on the surface. All downspouts shall be directed to the driveway or pervious surfaces. One large and two small deciduous trees shall be planted.

CONCLUSION

The Zoning Variance was granted prior to preparation of these findings. However, this proposal will comply with Chesapeake Bay Critical Area Regulations if it is constructed to meet the requirements noted in the above findings. If there are any questions, please contact Ms. Patricia M. Farr at 887-2904.

> Department of Environmental Protection and Resource Management

JJD:SA:ju Attachment

DIETSCH/WOCBCA

Office of Planning & Zoning September 2, 1992

Baltimore County Government

Office of Zoning Administration

and Development Management

(410) 887-3353

3504 Louth Road Baltimore, Maryland 21222

111 West Chesapeake Avenue

Towson, MD 21204

Re: CASE NUMBER: 93-67-A LOCATION: E/S Louth Road at c/l Meath Road 3504 Louth Road

15th Election District - 7th Councilmenic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above came number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before September 13, 1992. The closing sate is September 28, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demend that the matter be set in for a public bearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Zoning Commissioner, Baltimore County

93-67-A My neighbor has explained his plans at 3504 Just Rd. I love at 3502 Lord Rd and love no reason to object or try to stop time. If I want to Increal the volue of ten Ine - I feel le les the right of de pa

> Chalo Whenelet CHARLES W. RINEWAY 3502 LOUTHRD BALT DORO MP JULES

93-67-A has proposed for his bouse at 3504 forth R1. I live at 3506 Louth Rd and I have no objections of his additions to his house. Paul R. Hants Paul Hartman 3506 Louth Rd Baltimore MO 21222

